

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

UNITED STATES OF AMERICA
ex rel. Jon J. Platz,

Relator/Plaintiff,

12cv8399 (GBD)

vs.

BANK OF AMERICA CORPORATION,

Defendant.

**DECLARATION IN OPPOSITION
TO MOTION TO DISMISS**

Andrea Fischer declares pursuant to 28 U.S.C. § 1746:

1. I am a member of Sadowski Fischer PLLC, attorneys for the Relator in this matter, and submit this declaration in opposition to Defendant Bank of America's motion to dismiss the Relator's Second Amended Complaint. I am fully familiar with the facts described herein.

2. Annexed hereto as Exhibit 1 is a true and correct copy of an illustration of Bank of America's method.

3. Annexed hereto as Exhibit 2 is a true and correct copy of Fannie Mae Selling Guide, Part A, Doing Business with Fannie Mae (September 27, 2011, August 12, 2012), Subpart 2, Lender Contract, Chapter 1, Contractual Obligations for Fannie Mae Approved Lenders at 12.

4. Annexed hereto as Exhibit 3 is a true and correct copy of Brief for Neither Party as Amicus Curiae at 30, *U.S. ex rel. Adams v Aurora Loan Services, Inc.*, No. 14-15031, 2014 WL 2583515 (9th Cir. May 27, 2014).

5. Annexed hereto as Exhibit 4 are true and correct copies of unreported cases cited in the Memorandum of Law in Opposition to Defendant Bank of America's Motion to Dismiss Relator's Second Amended Complaint.

Wherefore, for the reasons set forth herein and in the accompanying memorandum of law, Relator respectfully requests that this Court deny Defendant Bank of America's motion to dismiss the Second Amended Complaint and such other and further relief as this Court deems appropriate.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: New York, New York
May 1, 2015

/s/ Andrea Fischer
Andrea Fischer